

Serial No. 09/733,831

REMARKS

In the Office Action mailed July 21, 2003, the Examiner indicated that claim 9 is allowed.

In the Office Action, the Examiner rejected claims 1-4 under 35 USC Section 102(b) as being anticipated by Danghani (U.S. Patent 5,862,470). Claims 5-8 were rejected under 35 USC Section 103(a) as being unpatentable over Danghani as applied to claims 1-4, and further in view of Huttunen (US patent 5,448,622). In view of the following comments, the Examiner's rejection is respectfully traversed, and reconsideration of the claims as presented herein is respectfully requested.

Danghani discloses a communication system having time shared multiple unit operation. In particular, Danghani discloses equipment is programmed to be operational during certain time periods. Danghani discloses in column 2, lines 24-28, that each mobile radio can be programmed to include a window of usage and an algorithm to determine if it is within the window. Danghani alternatively discloses in column 2, lines 35-40, that the base station can be programmed to compare the time parameter with the authorized window of operation associated with the identification code allocated to a mobile radio to determine if usage is allowed. However, Danghani does not show or suggest either a portable communication device as defined in claim 1 or a multi-mode device as defined in claim 8.

The Examiner points to column 6, lines 7-41, for disclosing the plurality of affiliations and time information associated with each of the plurality of affiliations. However, this passage only teaches a single affiliation, and it can not anticipate the claimed inventions as suggested by the Examiner. It is respectfully submitted that Danghani neither anticipates nor suggests the claimed invention.

The secondary reference to Huttunen discloses a cellular radio telephone having two telephone numbers selectively enabled by the user via a menu. However, Huttunen fails to show or suggest timed affiliations. Accordingly, even if combined with Huttunen, as suggested only by the Examiner, the combination fails to suggest a portable device using time information to determine which of a plurality of affiliations is to be active according to claim 1, or a multi-mode device wherein current time is compared with time information to determine which of a plurality of affiliations is to be active according to claim 8. The Examiner appears to be using impermissible hindsight reconstruction of applicant's invention without regard to what the references

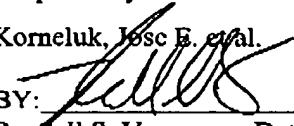
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teach one of ordinary skill in the art. Accordingly, it is respectfully submitted that the prior art fails to render the claimed invention unpatentable.

Accordingly, it is respectfully submitted that the claims are in condition for allowance. A Notice of Allowance is solicited.

Respectfully Submitted

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